

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA (Western  
Division – Los Angeles)  
CIVIL DOCKET FOR CASE #: 2:10-cv-02683-AHM-VBK**

Rodolfo Fidel Mendoza v. General Motors, LLC  
Assigned to: Judge A. Howard Matz  
Referred to: Magistrate Judge Victor B. Kenton  
Cause: 28:1331 Fed. Question

Date Filed: 04/13/2010  
Date Terminated: 12/15/2010  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: Federal Question

**Plaintiff**

**Rodolfo Fidel Mendoza**  
*individually, and on behalf of a class of  
similarly situated individuals*

represented by **Dara Tabesh**  
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**Defendant**

**General Motors, LLC**

represented by **Gregory R Oxford**  
Issacs Clouse Crose & Oxford LLP  
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Fax: 310-330-1330  
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Date Filed	#	Docket Text
04/13/2010	<u>I 1</u>	COMPLAINT against Defendant General Motors, LLC. Case assigned to Judge A. Howard Matz for all further proceedings. Discovery referred to Magistrate Judge Victor B. Kenton.(Filing fee \$ 350: PAID) Jury Demanded., filed by plaintiff Rodolfo Fidel Mendoza.(ghap) (ds). (Entered: 04/14/2010)
04/13/2010	<u>I</u>	21 DAY Summons Issued re Complaint – (Discovery) <u>1</u> as to Defendant General Motors, LLC. (ghap) (Entered: 04/14/2010)
04/13/2010	<u>I 2</u>	CERTIFICATION AND NOTICE of Interested Parties filed by Plaintiff Rodolfo Fidel Mendoza. (ghap) (ds). (Entered: 04/14/2010)
04/13/2010	<u>I 4</u>	DEMAND for Jury Trial filed by plaintiff Rodolfo Fidel Mendoza. (ghap) (ds). (Entered: 04/14/2010)
04/14/2010	<u>I 3</u>	INITIAL ORDER FOLLOWING FILING OF COMPLAINT ASSIGNED TO JUDGE MATZ: Counsel for plaintiff shall serve this Order on all defendant and/or their counsel along with the summons and complaint, or if that is not practicable as soon as possible thereafter. If this case was assigned to this Court after being removed from State Court, the defendant who removed the case shall serve this Order on all other parties. This case have been assigned to the calendar of Judge A. Howard Matz. (kbr). (Entered: 04/14/2010)
04/28/2010	<u>I 5</u>	PROOF OF SERVICE Executed by Plaintiff Rodolfo Fidel Mendoza, upon Defendant General Motors, LLC served on 4/27/2010, answer due 5/18/2010. Service of the Summons and Complaint were executed upon Maria Sanchez agent for service of process in compliance with California Code of Civil Procedure by personal service. Original Summons NOT returned. (Rose, Adam) (Entered: 04/28/2010)
05/13/2010	<u>I 6</u>	FIRST STIPULATION Extending Time to Answer the complaint as to General Motors, LLC answer now due 6/21/2010, filed by Defendant General Motors, LLC.(Oxford, Gregory) (Entered: 05/13/2010)
06/17/2010	<u>I 7</u>	NOTICE of Association of Counsel associating attorney Dara Tabesh on behalf of Plaintiff Rodolfo Fidel Mendoza. Filed by Plaintiff Rodolfo Fidel Mendoza (Tabesh, Dara) (Entered: 06/17/2010)
06/17/2010	<u>I 8</u>	First STIPULATION for Extension of Time to File Plaintiff's First Amended Class Action Complaint and Defendant's Response filed by Plaintiff Rodolfo Fidel Mendoza. (Attachments: # <u>1</u> Proposed Order re: Filing of Plaintiff's First Amended Class Action Complaint and Defendant's Response)(Tabesh, Dara) (Entered: 06/17/2010)
06/17/2010	<u>I 9</u>	First STIPULATION for Extension of Time to File Class Certification Motion filed by Plaintiff Rodolfo Fidel Mendoza. (Attachments: # <u>1</u> Proposed Order re: Stipulation to Continue Class Certification Filing Date)(Tabesh, Dara) (Entered: 06/17/2010)
06/17/2010	<u>I 10</u>	NOTICE filed by Plaintiff Rodolfo Fidel Mendoza. <i>Notice of Errata</i> (Attachments: # <u>1</u> Proposed Order Continuing Deadline for Filing Class Certification Motion)(Tabesh, Dara) (Entered: 06/17/2010)
06/17/2010	<u>I 11</u>	NOTICE filed by Plaintiff Rodolfo Fidel Mendoza. <i>Notice of Errata</i> (Attachments: # <u>1</u> Proposed Order Proposed Order re: Filing of Plaintiff's First Amended Class Action Complaint and Defendant's Response)(Tabesh, Dara) (Entered: 06/17/2010)
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		ORDER FILING OF PLAINTIFF'S FIRST AMENDED CLASS ACTION COMPLAINT AND DEFENDANT'S RESPONSE by Judge A. Howard Matz. The Court has reviewed and considered the parties 6/17/2010 Stipulation <u>8</u> re: Filing of Plaintiffs First Amended Class Action Complaint and Defendant's Response. Based on the Stipulation and GOOD CAUSE APPEARING, that (1) Plaintiff will file his First Amended Class Action Complaint by 7/16/2010 at the Civil Intake Window. (2) GM will file its motion to dismiss or transfer by 8/16/2010; (3) Plaintiff will file his opposition to GM's motion by 9/7/2010. GM will file its reply in support of its motion by 9/20/2010; GM's motion shall be scheduled for hearing on 9/27/2010, at 10:00 AM. Courtroom 14, in the Central District of California, Western Division. (jp) (Entered: 06/18/2010)
06/18/2010	<u>13</u>	ORDER CONTINUING DEADLINE FOR FILING CLASS CERTIFICATION MOTION by Judge A. Howard Matz, re Stipulation for Extension of Time to File <u>9</u> . It is hereby ordered that Plaintiff's July 31, 2010 deadline for filing a motion for class certification pursuant to Central District Local Rule 23-3 is hereby continued. (kbr) (Entered: 06/18/2010)
07/15/2010	<u>14</u>	FIRST AMENDED COMPLAINT <u>1</u> against Defendants General Motors, LLC filed by Plaintiff Rodolfo Fidel Mendoza. (lom) (jp). (Entered: 07/16/2010)
08/13/2010	<u>15</u>	NOTICE OF MOTION AND MOTION to Dismiss for Lack of Jurisdiction <i>or, Alternatively, For Transfer to the Southern District of New York for Referral to the Bankruptcy Court</i> filed by Defendant General Motors, LLC. (Oxford, Gregory) (Entered: 08/13/2010)
08/13/2010	<u>16</u>	MEMORANDUM in Support of MOTION to Dismiss for Lack of Jurisdiction <i>or, Alternatively, For Transfer to the Southern District of New York for Referral to the Bankruptcy Court</i> <u>15</u> filed by Defendant General Motors, LLC. (Oxford, Gregory) (Entered: 08/13/2010)
08/13/2010	<u>17</u>	DECLARATION of Gregory R. Oxford In Support of MOTION to Dismiss for Lack of Jurisdiction <i>or, Alternatively, For Transfer to the Southern District of New York for Referral to the Bankruptcy Court</i> <u>15</u> filed by Defendant General Motors, LLC. (Attachments: # <u>1</u> Exhibit Exhibits 1 through 4)(Oxford, Gregory) (Entered: 08/13/2010)
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08/16/2010	<u>19</u>	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: MOTION to Dismiss for Lack of Jurisdiction <i>or, Alternatively, For Transfer to the Southern District of New York for Referral to the Bankruptcy Court</i> <u>15</u> . The following error(s) was found: Proposed Document was not submitted as a separate attachment. In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. You need not take any action in response to this notice unless and until the court directs you to do so. (se) (Entered: 08/16/2010)
08/22/2010	<u>20</u>	STIPULATION for Extension of Time to File Opposition to Motion to Dismiss or Transfer filed by Plaintiff Rodolfo Fidel Mendoza. (Attachments: # <u>1</u> Proposed Order re Stipulation to Extend Briefing and Hearing Schedule on Motion to Dismiss or Transfer)(Tabesh, Dara) (Entered: 08/22/2010)
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09/14/2010	<u>22</u>	NOTICE of Association of Counsel associating attorney Payam Shahian on behalf of Plaintiff Rodolfo Fidel Mendoza. Filed by Plaintiff Rodolfo Fidel Mendoza (Shahian, Payam) (Entered: 09/14/2010)
09/15/2010	<u>23</u>	Second STIPULATION for Extension of Time to File Opposition to Motion to Dismiss or Transfer (without changing hearing date) filed by Plaintiff Rodolfo Fidel Mendoza. (Attachments: # <u>1</u> Proposed Order Modifying Briefing Schedule for Motion to Dismiss or Transfer)(Tabesh, Dara) (Entered: 09/15/2010)
09/16/2010	<u>24</u>	ORDER by Judge A. Howard Matz GRANTING Stipulation Modifying Briefing Schedule for Motion to Dismiss <u>23</u> . Plaintiff's opposition due 9/27/10; defendant's reply due 10/4/10; Motion remains scheduled for hearing on 10/18/10 at 10:00 am. (se) (Entered: 09/16/2010)
09/27/2010	<u>25</u>	DECLARATION of Dara Tabesh in opposition to MOTION to Dismiss for Lack of Jurisdiction <i>or, Alternatively, For Transfer to the Southern District of New York for Referral to the Bankruptcy Court</i> <u>15</u> filed by Plaintiff Rodolfo Fidel Mendoza. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8 (part 1 of 2), # <u>9</u> Exhibit 8 (part 2 of 2), # <u>10</u> Exhibit 9)(Tabesh, Dara) (Entered: 09/27/2010)
09/27/2010	<u>26</u>	Objections to Defendant's Request for Judicial Notice Exs. B and C Request for Judicial Notice Opposition re: MOTION to Dismiss for Lack of Jurisdiction <i>or, Alternatively, For Transfer to the Southern District of New York for Referral to the Bankruptcy Court</i> <u>15</u> filed by Plaintiff Rodolfo Fidel Mendoza. (Tabesh, Dara) (Entered: 09/27/2010)
09/27/2010	<u>27</u>	REQUEST FOR JUDICIAL NOTICE re MOTION to Dismiss for Lack of Jurisdiction <i>or, Alternatively, For Transfer to the Southern District of New York for Referral to the Bankruptcy Court</i> <u>15</u> <i>re Opposition</i> filed by Plaintiff Rodolfo Fidel Mendoza. (Tabesh, Dara) (Entered: 09/27/2010)
09/27/2010	<u>28</u>	MEMORANDUM in Opposition to MOTION to Dismiss for Lack of Jurisdiction <i>or, Alternatively, For Transfer to the Southern District of New York for Referral to the Bankruptcy Court</i> <u>15</u> filed by Plaintiff Rodolfo Fidel Mendoza. (Tabesh, Dara) (Entered: 09/27/2010)
09/28/2010	<u>29</u>	NOTICE of Errata re Opposition to Motion to Dismiss or Transfer filed by Plaintiff Rodolfo Fidel Mendoza. (Attachments: # <u>1</u> Exhibit MPA in Opposition to Defendant's Motion to Dismiss or Transfer)(Tabesh, Dara) (Entered: 09/28/2010)
09/29/2010	<u>30</u>	STIPULATION for Extension of Time to File Reply filed by Defendant General Motors, LLC. (Attachments: # <u>1</u> Proposed Order)(Oxford, Gregory) (Entered: 09/29/2010)
09/30/2010	<u>31</u>	ORDER EXTENDING BRIEFING AND HEARING SCHEDULE FOR DEFENDANT'S MOTION TO DISMISS FOR LACK OF JURISDICTION OR, ALTERNATIVELY, FOR TRANSFER TO THE SOUTHERN DISTRICT OF NEW YORK FOR REFERRAL TO THE BANKRUPTCY COURT by Judge A. Howard Matz, re Stipulation for Extension of Time to File Response/Reply <u>30</u> . The hearing on Defendant's motion shall be continued to October 25, 2010, at 10: 00 a.m. (kbr) (Entered: 09/30/2010)
10/08/2010	<u>32</u>	REPLY In Support MOTION to Dismiss for Lack of Jurisdiction <i>or, Alternatively, For Transfer to the Southern District of New York for Referral to the Bankruptcy Court</i> <u>15</u> filed by Defendant General Motors, LLC. (Attachments: # <u>1</u> Exhibit Exhibit A)(Oxford, Gregory) (Entered: 10/08/2010)
10/22/2010	<u>33</u>	MINUTE IN CHAMBERS by Judge A. Howard Matz: On the Court's own motion, the Court hereby takes OFF-CALENDAR and UNDER SUBMISSION defendant's Motion to Dismiss <u>15</u> previously set for 10/25/10. The parties will be notified if a hearing is necessary. (jp) (Entered: 10/22/2010)

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10/25/2010	<u>1</u> <u>34</u>	SUPPLEMENT to MOTION to Dismiss for Lack of Jurisdiction <i>or, Alternatively, For Transfer to the Southern District of New York for Referral to the Bankruptcy Court <u>15</u></i> filed by Defendant General Motors, LLC. (Attachments: # <u>1</u> Exhibit)(Oxford, Gregory) (Entered: 10/25/2010)
12/15/2010	<u>1</u> <u>35</u>	MINUTES (IN CHAMBERS) by Judge A. Howard Matz: This case is before the court on defendant General Motors, Motion to Dismiss plaintiff plaintiff Rodolfo Fidel Mendoza First Amended Complaint for Lack of Subject Matter Jurisdiction under FRCP 12(b)(1) or, in the alternative, to Transfer this case under 28 USC section 1412 to the Southern District of New York for referral to the bankruptcy court, (see attached Minute Order for further information), the Court GRANTS New GM Motion to Transfer this Action to the Southern District of New York for referral to the Bankruptcy Court <u>15</u> . No hearing is necessary. FRCP 78; L.R. 7–15. (MD JS–6. Case Terminated.) (Attachments: # <u>1</u> CV–22 Transmittal Letter – Civil Case Transfer Out) (jp) (Entered: 12/16/2010)

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CIVIL DOCKET FOR CASE #: 2:10-cv-02683-AHM-VBK  
*Internal Use Only***

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08/13/2010	<u>17</u>	DECLARATION of Gregory R. Oxford In Support of MOTION to Dismiss for Lack of Jurisdiction <i>or, Alternatively, For Transfer to the Southern District of New York for Referral to the Bankruptcy Court</i> <u>15</u> filed by Defendant General Motors, LLC. (Attachments: # <u>1</u> Exhibit Exhibits 1 through 4)(Oxford, Gregory) (Entered: 08/13/2010)
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09/14/2010	<u>22</u>	NOTICE of Association of Counsel associating attorney Payam Shahian on behalf of Plaintiff Rodolfo Fidel Mendoza. Filed by Plaintiff Rodolfo Fidel Mendoza (Shahian, Payam) (Entered: 09/14/2010)
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09/28/2010	<u>29</u>	NOTICE of Errata re Opposition to Motion to Dismiss or Transfer filed by Plaintiff Rodolfo Fidel Mendoza. (Attachments: # <u>1</u> Exhibit MPA in Opposition to Defendant's Motion to Dismiss or Transfer)(Tabesh, Dara) (Entered: 09/28/2010)
09/29/2010	<u>30</u>	STIPULATION for Extension of Time to File Reply filed by Defendant General Motors, LLC. (Attachments: # <u>1</u> Proposed Order)(Oxford, Gregory) (Entered: 09/29/2010)
09/30/2010	<u>31</u>	ORDER EXTENDING BRIEFING AND HEARING SCHEDULE FOR DEFENDANT'S MOTION TO DISMISS FOR LACK OF JURISDICTION OR, ALTERNATIVELY, FOR TRANSFER TO THE SOUTHERN DISTRICT OF NEW YORK FOR REFERRAL TO THE BANKRUPTCY COURT by Judge A. Howard Matz, re Stipulation for Extension of Time to File Response/Reply <u>30</u> . The hearing on Defendant's motion shall be continued to October 25, 2010, at 10: 00 a.m. (kbr) (Entered: 09/30/2010)
10/08/2010	<u>32</u>	REPLY In Support MOTION to Dismiss for Lack of Jurisdiction <i>or, Alternatively, For Transfer to the Southern District of New York for Referral to the Bankruptcy Court</i> <u>15</u> filed by Defendant General Motors, LLC. (Attachments: # <u>1</u> Exhibit Exhibit A)(Oxford, Gregory) (Entered: 10/08/2010)
10/22/2010	<u>33</u>	MINUTE IN CHAMBERS by Judge A. Howard Matz: On the Court's own motion, the Court hereby takes OFF-CALENDAR and UNDER SUBMISSION defendant's Motion to Dismiss <u>15</u> previously set for 10/25/10. The parties will be notified if a hearing is necessary. (jp) (Entered: 10/22/2010)

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10/25/2010	<u>1</u> <u>34</u>	SUPPLEMENT to MOTION to Dismiss for Lack of Jurisdiction <i>or, Alternatively, For Transfer to the Southern District of New York for Referral to the Bankruptcy Court</i> <u>15</u> filed by Defendant General Motors, LLC. (Attachments: # <u>1</u> Exhibit)(Oxford, Gregory) (Entered: 10/25/2010)
12/15/2010	<u>1</u> <u>35</u>	MINUTES (IN CHAMBERS) by Judge A. Howard Matz: This case is before the court on defendant General Motors, Motion to Dismiss plaintiff plaintiff Rodolfo Fidel Mendoza First Amended Complaint for Lack of Subject Matter Jurisdiction under FRCP 12(b)(1) or, in the alternative, to Transfer this case under 28 USC section 1412 to the Southern District of New York for referral to the bankruptcy court, (see attached Minute Order for further information), the Court GRANTS New GM Motion to Transfer this Action to the Southern District of New York for referral to the Bankruptcy Court <u>15</u> . No hearing is necessary. FRCP 78; L.R. 7–15. (MD JS–6. Case Terminated.) (Attachments: # <u>1</u> CV–22 Transmittal Letter – Civil Case Transfer Out) (jp) (Entered: 12/16/2010)